

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ASANTE KAHARI, *pro se*,

Plaintiff,

-against-

**ORDER of DISMISSAL**  
**and CIVIL JUDGMENT**  
**08-CV-3947 (DLI)**

HARLEM BOOK CENTER; SIDIBE IBRAHIMA,

Defendants.

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**DORA L. IRIZARRY, United States District Judge:**

On September 24, 2008, plaintiff Asante Kahari, appearing *pro se*, filed this complaint alleging breach of contract and copyright infringement. By Order dated March 17, 2009, the court found that plaintiff's complaint lacked subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1332, but stayed the dismissal of the complaint. The court granted plaintiff leave to replead his copyright infringement claim by filing an amended complaint on or before April 17, 2009. Plaintiff was warned that if he failed to file an amended complaint within the time allowed, judgment dismissing the action would be entered. To date, plaintiff has not filed an amended complaint as directed. Accordingly, it is hereby

**ORDERED, ADJUDGED AND DECREED** that the complaint is dismissed without prejudice for lack of subject matter jurisdiction. Fed. R. Civ. P. 12(h)(3). The court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and therefore

*in forma pauperis* status is denied for the purpose of an appeal. *Coppedge v. United States*, 269 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: Brooklyn, New York  
July 8, 2009

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DORA L. IRIZARRY  
United States District Judge